

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID PULPHUS, et al.,

Plaintiffs,

v.

STEPHEN T. AYERS, in his
official capacity
as Architect of the Capitol,

Defendant.

Civil Action No. 17-0310 (JDB)

VOLUNTARY STIPULATION OF DISMISSAL

This case was brought under the First Amendment to the U.S. Constitution, challenging a decision by Stephen T. Ayers, then-Architect of the Capitol, to remove a painting by Plaintiff David Pulphus, called “Untitled #1”, submitted for display by Plaintiff Representative William Lacy Clay, in the Congressional Art Competition. Mr. Pulphus’s painting was chosen as the winner of a competition held in the First Congressional District of Missouri, as a part of the 2016 Congressional Art Competition.

The Congressional Art Competition for 2016 Rules and Regulations for Congressional Offices and 2016 Rules and Regulations for Students and Teachers contained suitability guidelines that excluded from display certain types of artwork based upon the subject matter depicted, including exhibits depicting subjects of contemporary political controversy. The guidelines do not address artistic merit. Defendant Ayers’ decision did not include a critique or disparagement of Plaintiff David Pulphus’s talent or merit as an artist. Defendant Ayers authorized the removal

of “Untitled #1” solely because he had concluded that it depicted a subject matter that was excluded by the suitability guidelines for the Competition. Nothing in Defendant Ayers’s narrow decision to remove the physical painting from the exhibition precludes Plaintiff Pulphus from noting on his resume that his painting was selected for and included in the exhibition in the Cannon Tunnel.

In light of the fact that the 2016 Competition ended, the parties now stipulate to dismiss this action with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each side to bear its own costs and fees.

Respectfully submitted this 13th day of August, 2019.

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